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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,239	01/03/2002	Steven G. LeMay	IGT1P078/P-671	2921
22434	7590	04/16/2007	EXAMINER	
BEYER WEAVER LLP			DEODHAR, OMKAR A	
P.O. BOX 70250			ART UNIT	
OAKLAND, CA 94612-0250			PAPER NUMBER	
			3714	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	04/16/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

ED

<b>Office Action Summary</b>	Application No. 10/040,239	Applicant(s) LEMAY ET AL.	
	Examiner Omkar A. Deodhar	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson'074 (US Pub No 2003/0069074) in view of Guinn et al. (US 6,039,648).

Jackson'074 discloses a computerized wagering game method and apparatus that features an operating system kernel, a system handler application as a part of the operating system, wherein the system handler application loads and executes a dynamic number of a plurality of autonomous gaming program shared objects (Abstract). Jackson'074 a nonvolatile storage device that facilitates the sharing of information between shared objects as the system handler unloads one shared object in order to load a second shared object. The system handler also

provides an API library that allows communication between various disparate devices, modules, and software of the gaming apparatus and facilitates the use of callback functions that allow shared objects to communicate changes through the nonvolatile memory (Abstract, par. 23). Jackson'074 discloses that the system handler application includes a plurality of device handlers, providing an interface to selected hardware and the ability to monitor hardware-related events, and that the system handler has logic separate from the logic of the shared objects (Fig. 2). Some of the software gaming element library includes a game initiation sequence, a bonus module, a video gaming module, an audio module, a graphics conversion tool, and other modules and tools. Jackson'074 discloses that the shared objects act as stages for a game of chance and that the number of shared objects from a plurality of shared objects loaded and/or executed is dynamically decided (par. 88). A game of chance is known to have a start and a finish and since the shared objects act as stages providing a game of chance (main game and bonus game), a plurality of shared objects are executed between the start and the finish of the game of chance. Jackson'074 appears to implicitly teach that there are multiple game states in each stage and that the presentation states are separate from the game state. In par. 155, Jackson'074 discloses that the "shared objects...define the personality and function of the game", wherein "personality" is understood to be the presentation and the operation of output devices while "function" is understood to be the game flow states of the game. Since a game or bonus shared object is understood to provide multiple states, as would be expected of any game of chance or bonus feature, it is also understood that a number of "personality" states correspond with the number of "function" states depending on the actions being performed in the game of chance. Jackson'074 states that callback functions in nonvolatile memory, which are facilitated through the API of the

Art Unit: 3714

system handler, can be used by a shared object to call a function within the same shared object. This feature suggests the use of separate states within a single shared object that perform specific tasks (par. 154). Furthermore, Jackson'074 uses an example of a "display\_credits" function to illustrate a presentation state and suggests that a separate function of the shared object provided game flow to change the "credits" variable in the first place. This example suggests that all states are separated into game flow and presentation states. Therefore, it would appear that Jackson'074 implicitly teaches a shared object (game stage), wherein the shared object contains one or more game states and corresponding presentation states, and a logical separation of the internal workings of a state such that one state can be modified without affecting the logic of another state. Additionally, Jackson'074 appears to implicitly teach that the game states and the system handler communicate through one or more APIs as related to the nonvolatile memory. It is noted that the collection of "personality" (presentation) states and the collection of "function" (game flow) states comprise presentation and game flow modules respectively. As stated previously, one of ordinary skill in the art could ascertain each claim element through a detailed reading of the publication.

Regarding claims 1-32, although Jackson discloses the shared object feature in at least one instance, Jackson does not explicitly disclose a shared object (game stage) that contains one or more game states and corresponding presentation states **in each and every instance**.

However, it would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to have modified the shared object feature taught by Jackson into the Applicant's Invention in order to provide this feature in all instances. This would add to the

Art Unit: 3714

entertainment of the gaming system. One skilled in the art would have been motivated to generate the claimed invention with a reasonable expectation of success.

With respect to amended claim 1, Jackson is seemingly silent regarding a pay table stored in memory, wherein the table includes various staging information used in determining sequences of stages for use in games of chance.

In a related invention, Guinn discloses an apparatus and method for an automated tournament gaming system. Guinn discloses dynamically changing pay tables through the selection of various tournament parameters, (Col. 2. Lines 53-57, Col. 4. Lines 64-64 & Col. 5. Lines 1-13). Furthermore, Guinn discloses that pay tables are dynamically altered between various game modes (sequences of states) in order to entice players, (Col. 7. Lines 14-27). Guinn teaches that by changing pay table parameters as described above, a new game (tournament game mode) is effectively created. Additionally, it is inherent that the pay table is stored in memory.

Therefore, it would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the dynamically changing pay tables of Guinn into the device of Jackson for the purpose of maintaining entertainment and enticing the player to continue game play. One skilled in the art would have been motivated to generate the claimed invention with a reasonable expectation of success.

#### ***Response to Arguments***

Applicant argues that Jackson is not implicitly teaching a shared object, wherein the shared object contains one more game states and corresponding presentation states. (Remarks,

Page 1). The examiner agrees that this feature is not necessarily present in all instances.

Consequently, a case of obviousness is presented above.

Additionally, please note that the Guinn (US 6039648) Patent has been cited as disclosing the limitation of amended claim 1.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omkar A. Deodhar whose telephone number is 571-272-1647.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronald Joneau  
Primary Examiner  
4/12/07